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**FACSIMILE COVER SHEET**

DATE: February 5, 2004

Our File No. 11023-1

ADDRESSEE/ U.S.P.T.O.

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**Canada**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Applicant(s): Yeong-chang Yoo et al

Serial No: 09/857,701 Filing Date: 02/28/2000

Examiner: Bell, Bruce F. Art Unit: 1746

Title: Cathode Active Material for Lithium Electrochemical Cells

Docket No: 11023-1

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February 5, 2004

**OFFICIAL**

To: The Commissioner of Patents  
and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

Sir:

This is in Response to the Notice of Non-Compliant Amendment dated 12 December 2003.

Non-compliance is based upon the fact that a single claim, namely, claim 8, failed to include a marginal indication as to its status. The indication in the form letter under item 4. C. and E., is that the status of this claim "cannot be identified".

It is submitted that it would have taken only a few minutes to confirm that claim 8 is an original claim.

It is further submitted that such rigorous adherence to the new rules, is not in the best interests of the USPTO or its clients.

Perhaps when such a simple matter is involved, some authority could be given to the admin staff to telephone the client, to authorize a correction, analogous to an Examiner's amendment.

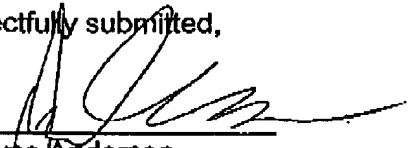
To further complicate matters, this letter was not received in this office until 23 January 2004. See attached copy of the first page of the action including our date of receipt stamp.

Accordingly, the USPTO is requested to consider withdrawing the action, or at least waiving the one month time extension fee.

A Petition for a one month time extension is submitted herewith. Our authority to deduct the fee should it be deemed necessary, from our Deposit Account no. 14-0429, is also provided.

It is assumed that this matter would be completely satisfied by provision of an amended "Amendments to the Claims" section, enclosed herewith, to be read in conjunction with the Response filed 28 November 2003.

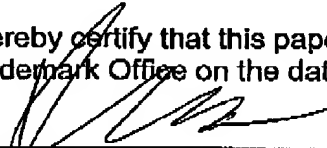
Respectfully submitted,


  
\_\_\_\_\_  
J. Wayne Anderson  
Patent Agent for Applicant  
Regn No: 28,158

:ech  
Tel: 613-613-993-3899

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

  
\_\_\_\_\_  
J. Wayne Anderson

  
\_\_\_\_\_  
February 5, 2004